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**Attorneys for Plaintiff**  
**MARK KABINS**

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \* \*

MARK B. KABINS,

Plaintiff,

**vs.**

KATHLEEN SEBELIUS, in her  
Official Capacity as the Secretary  
of the United States Department of  
Health and Human Services.

Defendant.

CASE NO. 2:11-cv-01742-JCM -RJJ

PLAINTIFF MARK KABINS'  
NOTICE OF PENDING MOTION  
AND REQUEST FOR ORAL  
ARGUMENT  
AND  
PROPOSED ORDER

COMES NOW, Plaintiff Mark B. Kabins, by and through his undersigned attorneys, and hereby files this notice of pending motions and Dr. Kabins' associated request for oral argument. This matter involves a challenge to an administrative agency's decision to exclude Dr. Kabins from participating as a medical provider, and receiving reimbursement for services, under various federal health care programs. Given this, the matter arises on the agency's administrative record with no additional discovery. The parties agreed, with the court's approval, to present cross-motions for summary judgment.

While this case was assigned to the Honorable Kent J. Dawson, the parties moved forward to the summary judgment stage of the case as follows. On February 29, 2012, Dr. Kabins filed a

1 motion for summary judgment. (Doc. # 15.) The Government filed a response and a cross-motion  
2 for summary judgment on March 29, 2012. (Doc. # 16.) Dr. Kabins filed his reply and opposition  
3 to the Government's motion on April 23, 2012. (Doc. #19.) The Government filed its final response  
4 brief on May 8, 2012. (Doc. # 20.) In his final reply, Dr. Kabins also sought oral argument on the  
5 competing motions (see Doc # 19, p. 3).

6 On July 11, 2012, the parties were notified that Judge Dawson would be recused from the  
7 case, (Doc. # 21), and on July 16, 2012, the parties were notified that the Honorable James C. Mahan  
8 would be assigned to hear the case. (Doc. # 22.) Therefore, Dr. Kabins now notifies this court of  
9 these pending motions and notes his request for oral argument on the matter.

10 **DATED** this \_\_\_\_\_ day of July, 2012.

11  
12  
13 Respectfully submitted,

14 /s/  
15 **RONALD J. TENPAS**  
16 **Pro Hac Vice**  
17 **MORGAN, LEWIS & BOCKIUS, LLP**  
18 **1111 Pennsylvania Ave., N.W.**  
19 **Washington, D. C. 20004**  
20 **Tel: 202-739-5435**

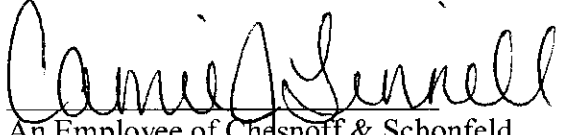
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26 **Tel: (702) 384-5563**

27 **Attorneys for Plaintiff**  
28 **MARK KABINS**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 17<sup>th</sup> day of July, 2012, I served a true and correct copy of the foregoing **PLAINTIFF MARK KABINS' NOTICE OF PENDING MOTION AND REQUEST FOR ORAL ARGUMENT AND PROPOSED ORDER** via electronic filing:

Roger W. Wenthe  
[roger.wenthe@usdoj.gov](mailto:roger.wenthe@usdoj.gov)

  
An Employee of Chesnoff & Schonfeld

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\*\*\*\*

CASE NO. 2:11-cv-01742-JCM -RJJ


**ORDER**

This matter having come before the court on plaintiff's motion, and good cause appearing,  
plaintiff's request for oral argument on his motion for summary judgment (doc. #15) is

**GRANTED.** The hearing on this matter is set for September 19, 2012,

at the hour of 10:00 a.m. in courtroom 6A.

Dated this 31st day of July 2012.

  
The Honorable James C. Mahan  
United States District Court Judge

Submitted by:

David Z. Chesnoff, Esq.